

Remarks

Claims 1, 3, 4 and 6 to 14 were previously pending. Claims 6, 10 and 11 have been rejected under 35 U.S.C. 101 for claiming non-statutory subject matter. Claims 12 to 14 have been rejected under 35 U.S.C. 102(e) as being anticipated Van Wiggerren et al. Claims 1, 3, 4 and 7 to 9 have been allowed.

The claims of the application have been amended to overcome the objections of the Examiner and to better define the invention in view of the prior art. In particular, claim 6 has been amended to define “determining and providing” the PMD or PDL. Applicant respectfully submits that the display of a measure of the PMD or PDL is a “useful, concrete and tangible result” and has “real world value” in accordance with USPTO OG Notices: November 22, 2005. The object of the aforementioned Notice was to differentiate between an invention that is “tangible” and a concept, which is simply an “abstract” idea. The present invention provides a more highly accurate measure of the PMD or PDL, which is a very useful measure for optical devices. The measure of the PMD and the PDL provide characterizations that are used to define optical networks, and that are used to determine malfunctions in individual components. The end result of any measuring device is the desired measurement, and it is therefore inherent that the end result of any measuring device is displayed or stored in the device for future use. Figure 4, in particular, illustrates an example of a measured frequency spectra of the output signal in accordance with the present invention. Accordingly, reconsideration of the 35 U.S.C. 101 rejection is hereby requested.

Claim 12 has been amended to define the beam splitter as having one input and four outputs, to define the polarizing optics to include “at least four”, and to define the beam combiner as having four inputs and one output, as illustrated in Figures 1 and 5, and as defined in paragraphs 41 and 42 of the description.

The method taught by Van Wiggerren et al utilizes only two sub-beams and requires two detectors, whereas the present invention utilizes at least four sub-beams, but only requires

a single detector. Moreover, the Van Wiggerren et al method is an approximation that assumes that the PMD and the PDL are independent of wavelength, which enables the simple aforementioned apparatus to be used, but precludes the calculation of second order PMD. The present invention does not make the aforementioned assumption, and in fact requires that at least four polarization states are measured resulting in a more accurate measurement of PMD or PDL, with relatively little added cost.

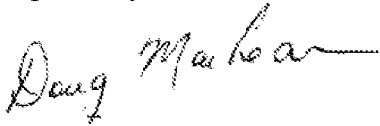
Applicant respectfully requests reconsideration of this application.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No: 50-1465.

Please associate this application with Customer No: 24949.

Respectfully,



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